

United States District Court
Eastern District of Tennessee
Greeneville Division

STATE OF TENNESSEE, *ex rel.* ROBERT)
E. COOPER, JR., Attorney General and)
Reporter,)

Plaintiff,)

v.)

ESCAPES!, INC., *et al.*,)

Defendants.)

Case No. 2:13-cv-00343

GREER / INMAN

**CERTIFICATION OF COUNSEL IN SUPPORT OF MOTION FOR LEAVE
TO CONDUCT LIMITED JURISDICTIONAL DISCOVERY**

I, Olha N.M. Rybakoff, hereby certify that I represent Plaintiff, State of Tennessee (“State”), and that I have conferred with defense counsel Eli Richardson, who represents the defendants and relief defendants who have moved to dismiss this action under Fed. R. Civ. P. 12(b)(2).¹ Mot. to Dismiss [Doc. 26]. Defense counsel advised that defendants oppose the State’s request for jurisdictional discovery. The parties are nevertheless conferring about possible deposition dates in the event the State’s motion for jurisdictional discovery is granted. The State’s brief in opposition to defendants’ motion to dismiss is due April 30, 2014. Order [Doc. 39].

¹ These defendants include Human Capital Solutions, Inc. (f/k/a Festiva Resort Services, Inc.), Zealandia Holding Company, Inc. (f/k/a Festiva Hospitality Group, Inc.), Donald K. Clayton, Herbert H. Patrick, Jr., and Richard A. Hartnett, and relief defendants 811 Development Corporation, Festiva Sailing Vacations, Inc., Financial Information Services, Inc., Kosmas Group International, Inc., Resort Management Services, Inc., and Zealandia Holdings, LLC (hereinafter “Moving Defendants”).

Respectfully Submitted,

/s/ Olha N.M. Rybakoff

Olha N.M. Rybakoff (BPR #24254)
Jessica Myers (BPR #25595)
Office of the Attorney General
Consumer Advocate and Protection Div.
425 Fifth Avenue North, 3rd Floor
Nashville, TN 37243
Phone: (615) 532-2590
Fax: (615) 532-2910
olha.rybakoff@ag.tn.gov
jessica.myers@ag.tn.gov

Attorneys for Plaintiff, State of Tennessee

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served, via the Court's ECF system and first-class postage prepaid U.S. Mail, on this the 1st day of April, 2014, as follows:

By CM/ECF:

Eli J. Richardson
Bass, Berry & Sims PLC
150 Third Avenue South, Suite 2800
Nashville, Tennessee 37201

Charles W. Cook, III
ADAMS AND REESE LLP
424 Church Street, Suite 2700
Nashville, Tennessee 37219

Attorneys for Moving Defendants

By US Mail:

Richard E. Ladd, Jr.
PennStuart
804 Anderson Street
Bristol, TN 37620

Attorney for Herbert H. Patrick, Jr., Family Irrevocable Trust and Various Clayton Family Trusts 1 - 10

/s/ Olha N.M. Rybakoff
Olha N.M. Rybakoff (BPR # 24254)